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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,114	07/10/2001	Takashi Furuta	1046.1257	7213

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EXAMINER
WU, RUTAO

ART UNIT	PAPER NUMBER
3639	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/901,114	FURUTA ET AL.
	Examiner	Art Unit	
	Rutao Wu	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2006*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Status of claims

1.   In response filed February 21, 2006, the applicants amended claims 1, 8, 15, 25,

26, 27. No claims have been cancelled. No new claims have been presented.

Response to Arguments

2.   Applicant's arguments, see page 8, filed February 21, 2006, with respect to

claims 8-12 have been fully considered and are persuasive. The 35 U.S.C. §101

rejection of claims 8-12 has been withdrawn.

3.   Applicant's arguments filed February 21, 2006, with respect to independent

claims 1, 8, 15, 25, 26 and 27 have been fully considered but they are not persuasive.

4.   The applicants note that the limitation recited in each independent claims

generally has two features (A) and (B):

     (A) a storage module storing amounts of shared target money, which should be

shared to a plurality of service providers, extracted from profits of an agency service

provider obtained by operating for a predetermined period an agency service for

providing users with a plurality of services provided from the plurality of service

providers;

     (B) a calculation module calculating an amount of shared money allocated to

each of the plurality of service providers from within the amount of shared target money

stored in the storage module on the basis of a frequency of providing the users with

each service of each of the plurality of service providers during the predetermined period.

The applicants argue that Rossides (6,131,085) does not teach the features. The Examiner respectively disagrees.

Rossides discloses an online system for collecting and selling answers. The system charges users who receive answers and pays users who supply those answers. (col 2: lines 53-55). Therefore, the online database system disclosed by Rossides would be equivalent to the agency service provider in the present application, and users who supply answers in Rossides' invention is the equivalent to the service providers in the present application. The online database system (agency service provider) charges users who receive answers, thus making a profit, then it shares a part or the complete profit with the users who supply answers (service providers) by paying them royalties. Therefore, it is inherent that the storage module storing amounts of shared target money would be held by the online database system, be it in a bank account, or any type of financial system that the online database system uses.

Rossides also discloses a Pay-off Formula (POF) which is the function that calculates a Pay-off Estimate (POE) for a given answer based on the number of times the answer has been requested and the times those requests took place. (col 12: lines 12-18) In other words, the online database system calculates the amount of royalty to be paid to the users providing the answers based on the number of times the answer have been demanded. Therefore it can inherently be interpreted as the users providing

the answer gets paid based on how many times he has provided his services of

presenting the answer.

Based on the responses above, the independent claims 1, 8, 15, 25, 26 and 27

stand rejected based on Rossides.

Accordingly dependent claims stand rejected based on their dependencies on

the independent claims.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1, 3, 8, 10, 15, 17 and 25-27 rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Pat No. 6,131,085 to Rossides.

Referring to claims 1, 8 and 15:

A profit sharing system for an agency service, comprising:

A storage module storing amounts of share target money, to be shared to a

plurality of service providers each providing one or more services, the shared target

money extracted from profits of an agency service provider providing an agency service

through which the plurality of service providers provide the services to users and the

profits obtained by operating for a predetermined period the agency service for

providing the users with the plurality of services provided from the plurality of service

providers; (col 2: lines 53-55; col 234: lines 31-32) and

A calculation module calculating an amount of shared money allocated to each of

the plurality of service providers from the amount of shared target money stored in the

storage module based upon a frequency of providing the users with each service of

each of the plurality of service providers during the predetermined period. (col 12: lines

12-21)

Referring to claims 3, 10 and 17:

A profit sharing system according to claim 1, wherein the profits are a total of

agency service usage fees during the predetermined period that are collected from the

users on the basis of one single contract. (col 234: lines 31-32)

Referring to claim 25:

A profit sharing system for an agency service, comprising:

A providing module providing an agency service for providing a user with a

requested service among services provided by a plurality of providers; (col 14: lines 15-

16) and

A calculation module calculating an amount of shared money, shared to each

provider, or profits obtained by providing the agency service on the basis of a frequency

of providing the user with the service. (col 12: lines 15-17)

Referring to claims 26-27:

A profit sharing method in an information processing system, for an agency

service, including a storage module and a control unit, said method comprising:

Making said control unit provide the agency service for providing a user with a

requested service among services provided from a plurality of providers; (col 14: lines

15-16)

Storing said storage module with a providing count of providing the service to the

user; and (col 10: lines 57-58).

Calculating an amount of shared money, shared to each provider, of profits

obtained by the agency service on the basis of a providing frequency of each service

that is obtained from the providing count of each service and a total sum of service

providing counts. (col 12: lines 15-17)

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 2, 4, 6-7, 9, 11, 13-14, 16, 18, 20-24 are rejected under 35 U.S.C. 103(a)

as being unpatentable over U.S. Pat No. 6,131,085 to Rossides.

As per claims 2, 9 and 16, Rossides discloses a function that tallies the number

of requests for the service (col 10 lines 57-58; col 13: lines 22-24).

Rossides also discloses that it calculates the frequency of demand by taking the number of times the data has been requested over the time period. Then it calculates the payoff by multiplying the frequency with the royalty rate (col 12: lines 15-21). Rossides further states that the pay off formula can be infinitely variable (col 12: line 36). Therefore it would be obvious to one skilled in the arts to modify the above formula to calculate the frequency of usage by taking the quotient of usage per service divided by the total number of usage, then calculate the amount of shared money by multiply the frequency of usage by the amount of available shared money.

As per claims 4, 11 and 18, Rossides does not explicitly disclose the method of calculating shared money from profit. However, the examiner takes official notice that calculating revenue by subtracting operating cost from profits was well known at the time of applicant's invention. It is a method well known to one skilled in the arts.

As per claims 6, 13 and 20, Rossides discloses that his AC is a database that allows a plurality of users provide answers or raw data to a plurality of questions (col 10: lines 5-11).

Rossides discloses that a user inputs a question causing the AC to search for the corresponding answer. If the answer is found, the answer is outputted (col 9: line 66). The AC also tallies data-request and data uses (col 10: lines 57-58).

As per claims 7, 14 and 21, Rossides does not disclose that it provides the user with a list of dictionary contents corresponding to a search key received from the user, and provides the user with the dictionary content selected from this list by the user. Rossides discloses that a user inputs a question causing the AC to search for the

corresponding answer. If the answer is found, the answer is outputted (col 9: lines 62-66; col 13: lines 34-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a database with dictionary content from a plurality of providers. Rossides provides specific motivation by indicating that AC can be adapted to collect a variety of answers (col 9: line 3) and can include many other useful sets of steps (functions) (col 14: lines 12-13).

As per claims 22-24, Rossides discloses that AC can enable a user to designate given search stats as optional or mandatory. This means that the mandatory conditions are preferably matched over the optional ones (col 44: lines 7-10). Thereby setting a priority to mandatory search stats.

9.   Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossides in view of U.S. Pat No. 5,893,903 to Eisdorfer et al.

Rossides does not disclose a step of requesting a financial institution to pay the shared money to each provider.

Eisdorfer discloses in his patent that clearinghouse2 sends back a stamp modified to include its identity for clearinghouse1 authentication. Clearinghouse1 will then send payment to clearinghouse2 according to the predetermined revenue allocation arrangement (col 4: lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rossides' invention to allow requesting a financial institution or a clearinghouse for the

payment of the shared money. One would be motivated to perform such modification to be certain that the service providers receive payment for services provided.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rutao Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

rw

IGOR N. BORISSOV
PRIMARY EXAMINER